

# SALEM PLANNING AND ZONING COMMISSION

## REGULAR MEETING

May 24, 2011

7:00

Present: K. Buckley-Chairperson, R. Amato, D. Bingham, E. Burr, G. Fogarty, R. Savalle, G. Walter, M. Chinatti, Town Planner/ZEO, Sue Spang, Recording Secretary

Absent: H. McKenney, V. Smith, Alt., Alt, Vacancy-

Guests See Sign in Sheet

### CALL TO ORDER:

K. Buckley called the meeting to order at 7:00 and introduced the members present. She explained to Commission members that the regular meeting scheduled for the previous week was cancelled due to lack of proper notification.

### ADDITIONS TO THE AGENDA:

With the consensus of the Commission, K. Buckley added:

- Petitioners, item 1-C Dutch, 50 Buckley Road (Carvallo Subdivision)-fence removal from retention ponds-
- New Business, item 8- L. Avery, waiver request of sec. 14.6 k .

With the consensus of the Commission K. Buckley moved the following items to the beginning of the agenda as there were no guests present for the Public Hearing.:

- **New Business, 1.-SDP #11-05-01, Town of Salem construction of pavilion**
- **New Business 7.-Mark Cohen, Aquifer Protection**

(Due to rearrangement of agenda the items below are listed in order of discussion)

## **NEW BUSINESS**

**1. SDP #11-05-01-Town of Salem for property at 89 Norwich Road. Site plan application for construction of a 30' x 60' pavilion, access drive, and parking area.**

M. Chinatti outlined the proposed pavilion to the members. She described the pavilion, access way and parking lot. She stated there were waiver requests as well.

J. Dillon-Nathan Jacobson, Town Engineer gave a detailed description of the project. He stated there was a 460', 22 foot wide driveway to the pavilion area. There will be 33 parking stalls in a gravel parking lot, two of the stalls will be paved and reserved for handicap accessibility. There will be power to the pavilion which will run underground and hook up to an electrical box on the pavilion. There will be lighting in the pavilion. The site will take minimal grading. The pavilion itself is a 30' x 60' open timber structure. It was noted the drawings of the pavilion are preliminary.

D. Bingham expressed concern about the width and sight lines of the entrance. It was noted that the entrance received a CTDOT permit.

K. Lyden, Salem First Selectman submitted photos of a similar pavilion in Hebron (See File Copy). He stated there will not be bathroom facilities but the town would provide porta potties.

J. Dillon explained that the water coming off the structure would not be captured in gutters but would be shed off the roof on to the ground and sheet off in all directions. He stated there was a well on the plans but at this point it would not be a potable water supply.

**M/S/C (Bingham/Savalle) to approve the waiver requests for sections 11A.4.4, 11A.4.5, and 11A.4.6. Vote: Approved Unanimously**

**M/S/C (Bingham/Savalle) to deny waiver requests for sections 11A.4.3 and 11A. 4.16 as not applicable. Vote: Approved Unanimously**

**M/S/C (Bingham/Savalle) to approve site development plan as revised to May 24, 2011,application# SDP #11-05-01-Town of Salem, construction of pavilion, parking lot, and access plan. Vote: Approved Unanimously**

**7. Aquifer Protection Presentation-Mark Cohen**

M. Cohen from the USDA presented hand outs to the Commission (see file copy) and made a presentation on Aquifer Protection. He stated that Salem has 12 Public Water Supplies (serves 25 or more people a day) which he had listed as to location, well and water condition and past contamination.

He described soil types and topography where aquifers are typically located. He stated he would do all the research and writing for an aquifer protection plan after the Commission gave him guidance on what they would like to accomplish.

M. Cohen has worked with other towns on their aquifer protection regulations. He specifically called out Hebron and Barkhamsted. He worked with the Conservation Commission in those towns.

In order to accomplish the plan he suggested having a workshop, then set up a team, assess the threats, develop protection strategies and finally how to sell the plan. He stated it would not take much of the Commissions time but he would meet with them as often as they would like.

D. Bingham stated usually the Conservation Commission of a town will come up with the plan and the town's Planning and Zoning Commission would adopt the regulations.

The Commission was concerned with more recent violations of Salem's public water supplies and asked if data could be obtained.

M. Cohen informed the Commission that he was unsure if the water supplies are tested monthly or quarterly but that it was the responsibility of the owner of the well to do the testing.

M. Chinatti will contact M. Cohen when the Commission is ready to proceed.

K. Buckley introduced Dick Asafaylo who is the Board of Selectman's liaison to the Planning and Zoning Commission.

## **PUBLIC HEARING**

With the consensus of the Commission K. Buckley combined the first two Public Hearings and a separate, second Public Hearing for the remaining Public Hearing;

- 1) Proposed text amendment to Section 3.13 Special Flood Hazard Area of the Zoning Regulations and, Proposed text amendments to Sections 5.9 Flood Elevations, 5.10 Floodway Encroachments and 5.11, Flooding Considerations of the Subdivision Regulations, and possible action. (See File Copy)
- 2) Proposed text amendment to Section 11A.4 Site Plan Requirements, and possible action. (See File Copy)

## **PUBLIC HEARING 1, (8:20 PM)**

K. Buckley opened the Public Hearing by reading the Public Hearing legal notice into the record.

R. Amato read correspondence into the record.

M. Chinatti explained the proposed text amendments and the reasons for the changes. She stated that when the revised FEMA Flood Maps were released, FEMA strongly recommended towns change their regulations to accommodate the revisions. FEMA's contact person asked for Salem's zoning regulations and made suggested adjustments so Salem would be in compliance with the FEMA flood insurance program, (NFIP). If Salem does not adopt the regulation changes the town would be suspended from the NFIP and residents would have to get insurance from outside the insurance pool which would be very expensive. Salem would also risk relief from funds which may be available if a disaster should occur.

She stated the revised maps have not changed noticeably from the previous version. The only time the insurance is required is when a structure is in the flood plain. There are more requirements in the proposed text changes which do translate to more costs. The regulations are there to protect people and their property in case of a flood situation.

E. Burr stated the banks will not give a mortgage without flood insurance

G. Walter asked if it were obvious where the boundaries for the flood zones are located.

M. Chinatti stated that if a resident wanted to find out exactly where the lines are on the property they would have to hire a professional to determine the boundaries.

D. Bingham stated a good way to tell where a flood zone exists is to look at the soils.

M. Chinatti stated that the elevations in Salem have not change on the revised flood maps.

**M/S/C (Savalle/Bingham) to close the Public Hearing**

**M/S/C (Bingham/Fogarty) to approve proposed text amendments to Sections 3.13 of the zoning regulations and sections 5.9, 5.10, and 5.11 of the subdivision regulations effective date of July 18, 2011. Vote: Approved Unanimously.**

#### **PUBLIC HEARING 2, (8.58) PM**

K. Buckley opened the Public Hearing and read a relevant letter from the Eight Mile River Wild and Scenic Coordinating Committee into the record.

M. Chinatti informed the members that the proposed text amendments reinforce what the Commission already has in section 11 A.4 . The change was requested by the Eight Mile River Committee. Adding the new text in the beginning requires that plans be prepared in accordance of the 2004 Stormwater Quality Manual as amended. They are not asking anyone to do anything different.

D. Bingham suggested adding the word, **Connecticut** 2004 Stormwater Quality Manual

**M/S/C (Burr/Fogarty) to close the Public Hearing. Vote: Approved Unanimously**

**M/S/C (Amato/Fogarty) approve proposed text amendment as revised, effective date of July 18, 2011. Vote: Approved Unanimously**

#### **PETITIONERS:**

1. **C. Dutch,(not present)-50 Buckley Road, Carvallo Subdivision.**

M. Chinatti stated there are two detention ponds on a previously approved subdivision. The developer states the ponds do not hold water and when driving into the subdivision they are unsightly. He would like to remove the fences for aesthetic reasons. The plans have been sent to the town engineer for comment and review.

**M/S/C (Bingham/Fogarty) to table the item until the next meeting. Vote: Approved Unanimously**

**PUBLIC COMMENT-None**

#### **OLD BUSINESS**

**1. LDP#11-04-01-Kudlis-property at 643 West Road**

M. Chinatti stated the application was presented to the Commission at the previous meeting. M. Chinatti informed the Commission that Mr. Kudlis addressed all the comments and concerns of the town's engineer. M. Chinatti suggested approving the application.

**M/S/C (Bingham/Walter) to approve LDP# 11-04-01-Kudlis at property 643 West Road. Vote Approved. In favor- Amato, Buckley, Bingham, Burr, Savalle, Walter. Opposed- none. Abstaining-Fogarty.**

#### **NEW BUSINESS (taken out of order)**

**2-5, & 8. Waiver Requests of Existing Site Plan Requirements per Section 14.6 k**

It was the consensus of the Commission to decide on all quarry waiver requests at the same time, (Henrici, G. Getty, Renz, L. Getty, Avery).

M. Chinatti stated that all sites are in compliance with their approvals. She informed the members of the amount of materials taken out of each quarry:

- Henrici-1 ½ -2 truck loads
- G. Getty-2082 CY
- R. Renz-3010 CY
- L. Getty-340 CY
- Avery-603 CY

M. Chinatti suggested granting the waivers.

**M/S/C (Bingham/Savalle) to approve waiver requests of Section 14.6 k for excavations of Henrici, G. Getty, Renz, L. Getty, and Avery. Vote: Approved Unanimously.**

**6. LDP # 11-05-01-Hislop- 645 West Road. Lot # 16-18**

M. Chinatti stated the application was submitted after the agendas were sent out and too late to send to the town's engineer for comment. C. Dutch will be presenting the application at the Commissions next meeting. She recommends the Commission continue the discussion to next month.

**M/S/C (Amato/Bingham) to table the application until the town engineer reviews the application. Vote: Approved Unanimously**

**ENFORCEMENT OFFICERS REPORT/INLAND WETLANDS AND CONSERVATION COMMISSION REPORT:**

M. Chinatti reported to the Commission that she registered 3 members for the "Hot Topics in Land Use Law" scheduled for June 10, 2011.

**APPROVAL OF MINUTES:**

**M/S/C (Buckley/Bingham) to approve the minutes of April 26, 2011, as amended.**

**Changes:**

- Page 2, paragraph 2, replace *given* with *issued*
- Page 2, paragraph 5, add *designation* after, National Historic District.
- Page 3, paragraph 1 correct spelling of trials to trails.
- Page 5, paragraph 2, Change wording to, *K. Buckley suggested the first step on impervious surface would be to discuss a strategy about ...*
- Page 5, paragraph 8, should be G. Walter, not D. Walter.

R. Amato asked about the letter to Senator Stillman referenced in the minutes.

K. Buckley stated the copy would be included in the following month's packet.

**Vote: Approved Unanimously**

**EXECUTIVE SESSION: Pending Litigation-Kobyluck**

**M/S/C (Burr/Amato) To go into executive session at 9:22, to discuss pending litigation, Attending members, Amato, Buckley, Burr, Fogarty, Savalle and Walter, and at request of the Commission M. Chinatti attended the executive session**

*D. Bingham recused himself as he is an abutter of the Kobyluck Quarry*

**The Commission came out of Executive Session at 10:00.**

**PLUS DELTAS:** No Plus Deltas were discussed.

**CORRESPONDENCE:** None

**ADJOURNMENT:** M/S/C (Burr/Amato) to adjourn at 10:01. **Vote: Approved Unanimously.**

**Respectfully Submitted,**

**Sue Spang**

**Recording Secretary**